



General Assembly

February Session, 2012

Raised Bill No. 5548

LCO No. 2425

02425_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING DOMESTIC VIOLENCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) to (d), inclusive, of section 46b-15 of the
2 2012 supplement to the general statutes are repealed and the following
3 is substituted in lieu thereof (*Effective October 1, 2012*):

4 (a) Any family or household member, as defined in section 46b-38a,
5 as amended by this act, who has been subjected to a continuous threat
6 of present physical pain or physical injury, stalking or a pattern of
7 threatening, by another family or household member may make an
8 application to the Superior Court for relief under this section.

9 (b) The application form shall allow the applicant, at the applicant's
10 option, to indicate whether the respondent holds a permit to carry a
11 pistol or revolver or possesses one or more firearms. The application
12 shall be accompanied by an affidavit made under oath which includes
13 a brief statement of the conditions from which relief is sought. Upon
14 receipt of the application the court shall order that a hearing on the
15 application be held not later than fourteen days from the date of the
16 order. The court, in its discretion, may make such orders as it deems

17 appropriate for the protection of the applicant and such dependent
18 children or other persons as the court sees fit. In making such orders,
19 the court, in its discretion, may consider relevant court records if the
20 records are available to the public from a clerk of the Superior Court or
21 on the Judicial Branch's Internet web site. Such orders may include
22 temporary child custody or visitation rights, and such relief may
23 include, but is not limited to, an order enjoining the respondent from
24 (1) imposing any restraint upon the person or liberty of the applicant;
25 (2) threatening, harassing, assaulting, molesting, sexually assaulting or
26 attacking the applicant; or (3) entering the family dwelling or the
27 dwelling of the applicant. Such order may include provisions
28 necessary to protect any animal owned or kept by the applicant
29 including, but not limited to, an order enjoining the respondent from
30 injuring or threatening to injure such animal. If an applicant alleges an
31 immediate and present physical danger to the applicant, the court may
32 issue an ex parte order granting such relief as it deems appropriate. If a
33 postponement of a hearing on the application is requested by either
34 party and granted, the order shall not be continued except upon
35 agreement of the parties or by order of the court for good cause shown.

36 (c) Every order of the court made in accordance with this section
37 shall contain the following language: "This order may be extended by
38 the court beyond [six months] one year. In accordance with section
39 53a-107, entering or remaining in a building or any other premises in
40 violation of this order constitutes criminal trespass in the first degree.
41 This is a criminal offense punishable by a term of imprisonment of not
42 more than one year, a fine of not more than two thousand dollars or
43 both."

44 (d) No order of the court shall exceed [six months] one year, except
45 that an order may be extended by the court upon motion of the
46 applicant for such additional time as the court deems necessary. If the
47 respondent has not appeared upon the initial application, service of a
48 motion to extend an order may be made by first-class mail directed to
49 the respondent at [his or her last known] the respondent's last-known

50 address.

51 Sec. 2. Section 46b-38a of the 2012 supplement to the general statutes
52 is repealed and the following is substituted in lieu thereof (*Effective*
53 *October 1, 2012*):

54 For the purposes of sections 46b-38a to 46b-38f, inclusive, as
55 amended by this act:

56 (1) "Family violence" means an incident resulting in physical harm,
57 bodily injury or assault, or an act of threatened violence that
58 constitutes fear of imminent physical harm, bodily injury or assault,
59 including, but not limited to, stalking or a pattern of threatening,
60 between family or household members. Verbal abuse or argument
61 shall not constitute family violence unless there is present danger and
62 the likelihood that physical violence will occur.

63 (2) "Family or household member" means any of the following
64 persons, regardless of the age of such person: (A) [~~spouses,~~] Spouses or
65 former spouses; (B) parents [~~and~~] or their children; (C) persons
66 [~~eighteen years of age or older~~] related by blood or marriage; (D)
67 persons [~~sixteen years of age or older~~] other than those persons
68 described in subparagraph (C) of this subdivision presently residing
69 together or who have resided together; (E) persons who have a child in
70 common regardless of whether they are or have been married or have
71 lived together at any time; and (F) persons in, or who have recently
72 been in, a dating relationship. [~~, regardless of the age of such persons.~~]

73 (3) "Family violence crime" means a crime as defined in section 53a-
74 24, other than a delinquent act as defined in section 46b-120, which, in
75 addition to its other elements, contains as an element thereof an act of
76 family violence to a family or household member. [~~and shall~~] "Family
77 violence crime" does not include acts by parents or guardians
78 disciplining minor children unless such acts constitute abuse.

79 (4) "Institutions and services" means peace officers, service

80 providers, mandated reporters of abuse, agencies and departments
81 that provide services to victims and families and services designed to
82 assist victims and families.

83 Sec. 3. Subsection (d) of section 46b-38c of the 2012 supplement to
84 the general statutes is repealed and the following is substituted in lieu
85 thereof (*Effective October 1, 2012*):

86 (d) In all cases of family violence, a written or oral report and
87 recommendation of the local family violence intervention unit shall be
88 available to a judge at the first court date appearance to be presented at
89 any time during the court session on that date. A judge of the Superior
90 Court may consider and impose the following conditions to protect the
91 parties, including, but not limited to: (1) Issuance of a protective order
92 pursuant to subsection (e) of this section; (2) prohibition against
93 subjecting the victim to further violence; (3) referral to a family
94 violence education program for batterers; and (4) immediate referral
95 for more extensive case assessment. Such protective order shall be an
96 order of the court, and the clerk of the court shall cause (A) a copy of
97 such order to be sent to the victim, and (B) a copy of such order, or the
98 information contained in such order, to be sent by facsimile or other
99 means within forty-eight hours of its issuance to the law enforcement
100 agency for the town in which the victim resides and, if the defendant
101 resides in a town different from the town in which the victim resides,
102 to the law enforcement agency for the town in which the defendant
103 resides. If the victim is employed in a town different from the town in
104 which the victim resides, the clerk of the court shall, upon the request
105 of the victim, send, by facsimile or other means, a copy of such order,
106 or the information contained in such order, to the law enforcement
107 agency for the town in which the victim is employed [within] not later
108 than forty-eight hours [of] after the issuance of such order. If the victim
109 is enrolled in a public or private elementary or secondary school,
110 including a regional vocational technical school, or an institution of
111 higher education, as defined in section 10a-55, the clerk of the court
112 shall, upon the request of the victim, send, by facsimile or other means,

113 a copy of such order, or the information contained in such order, to
114 such school or institution of higher education, or the special police
115 force established pursuant to section 10a-142, if any, at the institution
116 of higher education at which the victim is enrolled.

117 Sec. 4. Section 54-1k of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective October 1, 2012*):

119 (a) Upon the arrest of a person for a violation of subdivision (1) or
120 (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c,
121 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section
122 53a-181c, as amended by this act, 53a-181d or 53a-181e, the court may
123 issue a protective order pursuant to this section. Upon the arrest of a
124 person for a violation of section 53a-182b or 53a-183, the court may
125 issue a protective order pursuant to this section if it finds that such
126 violation caused the victim to reasonably fear for his or her physical
127 safety. Such order shall be an order of the court, and the clerk of the
128 court shall cause (1) a copy of such order or the information contained
129 in such order to be sent to the victim, and (2) a copy of such order, or
130 the information contained in such order, to be sent by facsimile or
131 other means [within] not later than forty-eight hours [of] after its
132 issuance to the law enforcement agency or agencies for the town in
133 which the victim resides, the town in which the victim is employed
134 and the town in which the defendant resides. If the victim is enrolled
135 in a public or private elementary or secondary school, including a
136 regional vocational technical school, or an institution of higher
137 education, as defined in section 10a-55, the clerk of the court shall,
138 upon the request of the victim, send, by facsimile or other means, a
139 copy of such order, or the information contained in such order, to such
140 school or institution of higher education, or the special police force
141 established pursuant to section 10a-142, if any, at the institution of
142 higher education at which the victim is enrolled.

143 (b) A protective order issued under this section may include
144 provisions necessary to protect the victim from threats, harassment,

145 injury or intimidation by the defendant, including but not limited to,
146 an order enjoining the defendant from (1) imposing any restraint upon
147 the person or liberty of the victim, (2) threatening, harassing,
148 assaulting, molesting or sexually assaulting the victim, or (3) entering
149 the dwelling of the victim. A protective order issued under this section
150 may include provisions necessary to protect any animal owned or kept
151 by the victim including, but not limited to, an order enjoining the
152 defendant from injuring or threatening to injure such animal. Such
153 order shall be made a condition of the bail or release of the defendant
154 and shall contain the following language: "In accordance with section
155 53a-223 of the Connecticut general statutes, any violation of this order
156 constitutes criminal violation of a protective order which is punishable
157 by a term of imprisonment of not more than five years, a fine of not
158 more than five thousand dollars, or both. Additionally, in accordance
159 with section 53a-107 of the Connecticut general statutes, entering or
160 remaining in a building or any other premises in violation of this order
161 constitutes criminal trespass in the first degree which is punishable by
162 a term of imprisonment of not more than one year, a fine of not more
163 than two thousand dollars, or both. Violation of this order also violates
164 a condition of your bail or release and may result in raising the amount
165 of bail or revoking release.".

166 (c) The information contained in and concerning the issuance of any
167 protective order issued under this section shall be entered in the
168 registry of protective orders pursuant to section 51-5c.

169 Sec. 5. Section 54-63b of the general statutes is repealed and the
170 following is substituted in lieu thereof (*Effective October 1, 2012*):

171 (a) The duties of the Court Support Services Division shall include:
172 (1) To promptly interview, prior to arraignment, any person referred
173 by the police pursuant to section 54-63c or by a judge. Such interview
174 shall include, but not be limited to, information concerning the accused
175 person, his or her family, community ties, prior criminal record and
176 physical and mental condition; (2) to seek independent verification of

177 information obtained during the interview, if practicable; (3) to
 178 determine, as provided in section 54-63d, or to make recommendations
 179 on request of any judge, concerning the terms and conditions of the
 180 release of arrested persons from custody pending final disposition of
 181 their cases; (4) to prepare a written report on all persons interviewed
 182 and, upon request and pursuant to the procedures established under
 183 subsection (f) of section 54-63d, provide copies of the report to the
 184 court, defense counsel and state's attorney. Such report shall contain
 185 the information obtained during the interview and verification
 186 process, the person's prior criminal record, where possible, and the
 187 determination or recommendation of the commissioner pursuant to
 188 section 54-63d concerning the terms and conditions of the release of the
 189 persons so interviewed; (5) to give prior notice of each required court
 190 appearance to each person released following an interview by a bail
 191 commissioner; (6) to supervise pursuant to the direction of the court
 192 those persons released on nonfinancial conditions; (7) to inform the
 193 court and the state's attorney of any failure to comply with terms and
 194 conditions of release, including the arrest of persons released under its
 195 supervision; (8) to monitor, evaluate and provide information
 196 concerning terms and conditions of release and the release criteria
 197 established under [subdivision (2) of subsection (c)] subsection (b) of
 198 this section, to prepare periodic reports on its activities, and to provide
 199 such other information as is needed to assist in the improvement of the
 200 pretrial release process; (9) to perform such other functions as the
 201 Chief Court Administrator may, from time to time, assign.

202 (b) The Court Support Services Division shall establish written
 203 uniform weighted release criteria based upon the premise that the least
 204 restrictive condition or conditions of release necessary to [insure]
 205 ensure the appearance in court of the defendant and sufficient to
 206 reasonably ensure the safety of any other person will not be
 207 endangered is the pretrial release alternative of choice. Such criteria
 208 shall be based on, but not be limited to, the following considerations:
 209 (1) The nature and circumstances of the offense insofar as they are
 210 relevant to the risk of nonappearance; (2) the defendant's record of

211 previous convictions; (3) the defendant's past record of appearance in
212 court after being admitted to bail; (4) the defendant's family ties; (5) the
213 defendant's employment record; (6) the defendant's financial
214 resources, character and mental condition; and (7) the defendant's
215 community ties.

216 Sec. 6. Subsection (h) of section 46b-38c of the 2012 supplement to
217 the general statutes is repealed and the following is substituted in lieu
218 thereof (*Effective October 1, 2012*):

219 (h) (1) There shall be a pretrial family violence education program
220 for persons who are charged with family violence crimes. At a
221 minimum, such program shall inform participants of the basic
222 elements of family violence law and applicable penalties. The court
223 may, in its discretion, invoke such program on motion of the
224 defendant when it finds: (A) That the defendant has not previously
225 been convicted of a family violence crime which occurred on or after
226 October 1, 1986; (B) the defendant has not had a previous case assigned
227 to the family violence education program; (C) the defendant has not
228 previously invoked or accepted accelerated rehabilitation under
229 section 54-56e for a family violence crime which occurred on or after
230 October 1, 1986; and (D) that the defendant is not charged with a class
231 A, class B or class C felony, or an unclassified felony carrying a term of
232 imprisonment of more than ten years, or unless good cause is shown, a
233 class D felony, [or] an unclassified offense carrying a term of
234 imprisonment of more than five years or an offense which involved the
235 infliction of serious physical injury, as defined in section 53a-3.
236 Participation by any person in the accelerated pretrial rehabilitation
237 program under section 54-56e prior to October 1, 1986, shall not
238 prohibit eligibility of such person for the pretrial family violence
239 education program under this section. The court may require that the
240 defendant answer such questions under oath, in open court or before
241 any person designated by the clerk and duly authorized to administer
242 oaths, under the penalties of perjury as will assist the court in making
243 these findings.

244 (2) The court, on such motion, may refer the defendant to the family
 245 violence intervention unit, and may continue the defendant's case
 246 pending the submission of the report of the unit to the court. The court
 247 shall also give notice to the victim or victims that the defendant has
 248 requested assignment to the family violence education program, and,
 249 where possible, give the victim or victims opportunity to be heard.
 250 Any defendant who accepts placement in the family violence
 251 education program shall agree to the tolling of any statute of
 252 limitations with respect to the crime or crimes with which the
 253 defendant is charged, and to a waiver of the defendant's right to a
 254 speedy trial. Any such defendant shall appear in court and shall be
 255 released to the custody of the family violence intervention unit for
 256 such period, not exceeding two years, and under such conditions as
 257 the court shall order. If the defendant refuses to accept, or, having
 258 accepted, violates such conditions, the defendant's case shall be
 259 brought to trial. If the defendant satisfactorily completes the family
 260 violence education program and complies with the conditions imposed
 261 for the period set by the court, the defendant may apply for dismissal
 262 of the charges against the defendant and the court, on finding
 263 satisfactory compliance, shall dismiss such charges.

264 (3) Upon dismissal of charges under this subsection, all records of
 265 such charges shall be erased pursuant to section 54-142a.

266 Sec. 7. Section 46b-38h of the general statutes is repealed and the
 267 following is substituted in lieu thereof (*Effective October 1, 2012*):

268 If any person is convicted of a violation of section 53a-59, 53a-59a,
 269 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-62, 53a-63, 53a-64, 53a-
 270 64aa, 53a-64bb, 53a-64cc, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-
 271 72a, 53a-72b, 53a-181c, as amended by this act, 53a-181d, 53a-181e, 53a-
 272 182, 53a-182b, 53a-183, 53a-223, 53a-223a or 53a-223b, against a family
 273 or household member, as defined in section 46b-38a, as amended by
 274 this act, [or a person in a dating relationship,] the court shall include a
 275 designation that such conviction involved [domestic] family violence

276 on the court record for the purposes of criminal history record
277 information, as defined in subsection (a) of section 54-142g.

278 Sec. 8. (NEW) (*Effective October 1, 2012*) Any person who believes
279 that an electronic or telephonic communication received by the person
280 constitutes a violation of section 53a-223, 53a-223a or 53a-223b of the
281 general statutes may file a complaint reporting such alleged violation
282 with the law enforcement agency for the town in which (1) such person
283 resides, (2) such person received the communication, or (3) such
284 communication was initiated. Such law enforcement agency shall
285 accept such complaint, prepare a police report on the matter, provide
286 the complainant with a copy of such report and investigate such
287 alleged violation and any other offenses allegedly committed as a
288 result of such violation and shall, if necessary, coordinate such
289 investigation with any other law enforcement agencies and, upon
290 request of the complainant, notify the law enforcement agency for the
291 town in which the complainant resides.

292 Sec. 9. Section 54-1d of the general statutes is amended by adding
293 subsection (f) as follows (*Effective October 1, 2012*):

294 (NEW) (f) Any defendant who is charged with a violation of section
295 53a-223, 53a-223a or 53a-223b by means of electronic or telephonic
296 communication, and any defendant who is charged with any other
297 offense committed as a result of such violation, may be presented to
298 the court in the geographical area in which (1) the victim resides, (2)
299 the victim received the communication, or (3) the communication was
300 initiated. Such defendant may be prosecuted in such geographical area
301 or a corresponding judicial district.

302 Sec. 10. Section 53a-61aa of the general statutes is repealed and the
303 following is substituted in lieu thereof (*Effective October 1, 2012*):

304 (a) A person is guilty of threatening in the first degree when such
305 person (1) (A) threatens to commit any crime involving the use of a
306 hazardous substance with the intent to terrorize another person, to

307 cause evacuation of a building, place of assembly or facility of public
 308 transportation or otherwise to cause serious public inconvenience, or
 309 (B) threatens to commit such crime in reckless disregard of the risk of
 310 causing such terror, evacuation or inconvenience; [, or] (2) (A)
 311 threatens to commit any crime of violence with the intent to cause
 312 evacuation of a building, place of assembly or facility of public
 313 transportation or otherwise to cause serious public inconvenience, or
 314 (B) threatens to commit such crime in reckless disregard of the risk of
 315 causing such evacuation or inconvenience; or (3) commits threatening
 316 in the second degree as provided in section 53a-62, and in the
 317 commission of such offense he uses or is armed with and threatens the
 318 use of or displays or represents by his words or conduct that he
 319 possesses a pistol, revolver, shotgun, rifle, machine gun or other
 320 firearm. No person shall be found guilty of threatening in the first
 321 degree under subdivision (3) of this subsection and threatening in the
 322 second degree upon the same transaction but such person may be
 323 charged and prosecuted for both such offenses upon the same
 324 information.

325 (b) For the purposes of this section, "hazardous substance" means
 326 any physical, chemical, biological or radiological substance or matter
 327 which, because of its quantity, concentration or physical, chemical or
 328 infectious characteristics, may cause or significantly contribute to an
 329 increase in mortality or an increase in serious irreversible or
 330 incapacitating reversible illness, or pose a substantial present or
 331 potential hazard to human health.

332 (c) Threatening in the first degree is a class D felony.

333 Sec. 11. Section 53a-181c of the general statutes is repealed and the
 334 following is substituted in lieu thereof (*Effective October 1, 2012*):

335 (a) A person is guilty of stalking in the first degree when he
 336 commits stalking in the second degree as provided in section 53a-181d
 337 and (1) he has previously been convicted of [this section or] a violation
 338 of section 53a-181d [,] or 53a-181e, or (2) such conduct violates a court

339 order in effect at the time of the offense, or (3) the other person is
340 under sixteen years of age.

341 (b) Stalking in the first degree is a class D felony.

342 Sec. 12. Section 53a-32 of the general statutes is repealed and the
343 following is substituted in lieu thereof (*Effective October 1, 2012*):

344 (a) At any time during the period of probation or conditional
345 discharge, the court or any judge thereof may issue a warrant for the
346 arrest of a defendant for violation of any of the conditions of probation
347 or conditional discharge, or may issue a notice to appear to answer to a
348 charge of such violation, which notice shall be personally served upon
349 the defendant. Any such warrant shall authorize all officers named
350 therein to return the defendant to the custody of the court or to any
351 suitable detention facility designated by the court. Whenever a
352 probation officer has probable cause to believe that a person has
353 violated a condition of such person's probation, such probation officer
354 may notify any police officer that such person has, in such officer's
355 judgment, violated the conditions of such person's probation and such
356 notice shall be sufficient warrant for the police officer to arrest such
357 person and return such person to the custody of the court or to any
358 suitable detention facility designated by the court. Whenever a
359 probation officer so notifies a police officer, the probation officer shall
360 provide notice to the victim of the offense that is the subject of such
361 person's probation, provided the probation officer has been provided
362 with the name and contact information for such victim. Any probation
363 officer may arrest any defendant on probation without a warrant or
364 may deputize any other officer with power to arrest to do so by giving
365 such other officer a written statement setting forth that the defendant
366 has, in the judgment of the probation officer, violated the conditions of
367 the defendant's probation. Such written statement, delivered with the
368 defendant by the arresting officer to the official in charge of any
369 correctional center or other place of detention, shall be sufficient
370 warrant for the detention of the defendant. After making such an

371 arrest, such probation officer shall present to the detaining authorities
372 a similar statement of the circumstances of violation. Provisions
373 regarding release on bail of persons charged with a crime shall be
374 applicable to any defendant arrested under the provisions of this
375 section. Upon such arrest and detention, the probation officer shall
376 immediately so notify the court or any judge thereof.

377 (b) When the defendant is presented for arraignment on the charge
378 of violation of any of the conditions of probation or conditional
379 discharge, the court shall review any conditions previously imposed
380 on the defendant and may order, as a condition of the pretrial release
381 of the defendant, that the defendant comply with any or all of such
382 conditions in addition to any conditions imposed pursuant to section
383 54-64a. Unless the court, pursuant to subsection (c) of section 54-64a,
384 orders that the defendant remain under the supervision of a probation
385 officer or other designated person or organization, the defendant shall
386 be supervised by the Court Support Services Division of the Judicial
387 Branch in accordance with subsection (a) of section 54-63b, as amended
388 by this act.

389 (c) Upon notification by the probation officer of the arrest of the
390 defendant or upon an arrest by warrant as herein provided, the court
391 shall cause the defendant to be brought before it without unnecessary
392 delay for a hearing on the violation charges. At such hearing the
393 defendant shall be informed of the manner in which such defendant is
394 alleged to have violated the conditions of such defendant's probation
395 or conditional discharge, shall be advised by the court that such
396 defendant has the right to retain counsel and, if indigent, shall be
397 entitled to the services of the public defender, and shall have the right
398 to cross-examine witnesses and to present evidence in such
399 defendant's own behalf. Unless good cause is shown, a charge of
400 violation of any of the conditions of probation or conditional discharge
401 shall be disposed of or scheduled for a hearing not later than one
402 hundred twenty days after the defendant is arraigned on such charge.

403 (d) If such violation is established, the court may: (1) Continue the
 404 sentence of probation or conditional discharge; (2) modify or enlarge
 405 the conditions of probation or conditional discharge; (3) extend the
 406 period of probation or conditional discharge, provided the original
 407 period with any extensions shall not exceed the periods authorized by
 408 section 53a-29; or (4) revoke the sentence of probation or conditional
 409 discharge. If such sentence is revoked, the court shall require the
 410 defendant to serve the sentence imposed or impose any lesser
 411 sentence. Any such lesser sentence may include a term of
 412 imprisonment, all or a portion of which may be suspended entirely or
 413 after a period set by the court, followed by a period of probation with
 414 such conditions as the court may establish. No such revocation shall be
 415 ordered, except upon consideration of the whole record and unless
 416 such violation is established by the introduction of reliable and
 417 probative evidence and by a preponderance of the evidence.

418 Sec. 13. Section 54-142m of the general statutes is repealed and the
 419 following is substituted in lieu thereof (*Effective October 1, 2012*):

420 (a) A criminal justice agency holding nonconviction information
 421 may disclose it to persons or agencies not otherwise authorized (1) for
 422 the purposes of research, evaluation or statistical analysis, or (2) if
 423 there is a specific agreement with a criminal justice agency to provide
 424 services required for the administration of criminal justice pursuant to
 425 such agreement. The Judicial Branch may disclose nonconviction
 426 information to a state agency pursuant to an agreement to provide
 427 services related to the collection of moneys due. Any such disclosure of
 428 information shall be limited to that information necessary for the
 429 collection of moneys due. Pursuant to an agreement, the Judicial
 430 Branch may disclose nonconviction information to the Department of
 431 Mental Health and Addiction Services for the administration of court-
 432 ordered evaluations and the provision of programs and services to
 433 persons with psychiatric disabilities and substance abuse treatment
 434 needs. Pursuant to an agreement, the Judicial Branch may disclose
 435 nonconviction information to advocates for victims of family violence

436 to allow such advocates to develop plans to provide for the safety of
437 victims and victims' minor children, provided such agreement
438 prohibits such advocates from disclosing such nonconviction to any
439 person, including, but not limited to, a victim of family violence.

440 (b) No nonconviction information may be disclosed to such persons
441 or agencies except pursuant to a written agreement between the
442 agency holding it and the persons to whom it is to be disclosed.

443 (c) The agreement shall specify the information to be disclosed, the
444 persons to whom it is to be disclosed, the purposes for which it is to be
445 used, the precautions to be taken to insure the security and
446 confidentiality of the information and the sanctions for improper
447 disclosure or use.

448 (d) Persons to whom information is disclosed under the provisions
449 of this section shall not without the subject's prior written consent
450 disclose or publish such information in such manner that it will reveal
451 the identity of such subject.

452 Sec. 14. Section 51-286e of the general statutes is repealed and the
453 following is substituted in lieu thereof (*Effective October 1, 2012*):

454 (a) For the purposes of this section, "victim" includes the legal
455 representative of the victim or a member of the deceased victim's
456 immediate family.

457 (b) The state's attorney for a judicial district wherein an offense has
458 been committed shall notify any victim of the offense, if such victim
459 has requested notification and provided the state's attorney with a
460 current address, of any judicial proceedings relating to [his] the
461 victim's case including (1) the arrest of the defendant, (2) the
462 arraignment of the defendant, (3) the release of the defendant pending
463 judicial proceedings, and (4) proceedings in the prosecution of the
464 defendant, including the dismissal of the charges against the
465 defendant, the entry of a nolle prosequi to the charges against the

466 defendant, the entry of a plea of guilty [.] by the defendant, and the
467 trial and sentencing of the defendant.

468 Sec. 15. Subdivision (7) of subsection (b) of section 54-203 of the
469 general statutes is repealed and the following is substituted in lieu
470 thereof (*Effective October 1, 2012*):

471 (7) To provide each person who applies for compensation pursuant
472 to section 54-204, within ten days of the date of receipt of such
473 application, with a written list of rights of victims of crime involving
474 personal injury and the programs available in this state to assist such
475 victims. The Office of Victim Services, the state or any agent, employee
476 or officer thereof shall not be liable for the failure to supply such list or
477 any alleged inadequacies of such list. Such list shall include, but not be
478 limited to:

479 (A) Subject to the provisions of sections 18-81e and 51-286e, as
480 amended by this act, the victim shall have the right to be informed
481 concerning the status of his or her case and to be informed of the
482 release from custody of the defendant;

483 (B) Subject to the provisions of section 54-91c, the victim shall have
484 the right to present a statement of his or her losses, injuries and wishes
485 to the prosecutor and the court prior to the acceptance by the court of a
486 plea of guilty or nolo contendere made pursuant to a plea agreement
487 with the state wherein the defendant pleads to a lesser offense than the
488 offense with which the defendant was originally charged;

489 (C) Subject to the provisions of section 54-91c, prior to the
490 imposition of sentence upon the defendant, the victim shall have the
491 right to submit a statement to the prosecutor as to the extent of any
492 injuries, financial losses and loss of earnings directly resulting from the
493 crime;

494 (D) Subject to the provisions of section 54-126a, the victim shall have
495 the right to appear before a panel of the Board of Pardons and Paroles

496 and make a statement as to whether the defendant should be released
497 on parole and any terms or conditions to be imposed upon any such
498 release;

499 (E) Subject to the provisions of section 54-36a, the victim shall have
500 the right to have any property the victim owns which was seized by
501 police in connection with an arrest to be returned;

502 (F) Subject to the provisions of sections 54-56e and 54-142c, the
503 victim shall have the right to be notified of the application by the
504 defendant for the pretrial program for accelerated rehabilitation and to
505 obtain from the court information as to whether the criminal
506 prosecution in the case has been dismissed;

507 (G) Subject to the provisions of section 54-85b, the victim cannot be
508 fired, harassed or otherwise retaliated against by an employer for
509 appearing under a subpoena as a witness in any criminal prosecution;

510 (H) Subject to the provisions of section 54-86g, the parent or legal
511 guardian of a child twelve years of age or younger who is a victim of
512 child abuse or sexual assault may request special procedural
513 considerations to be taken during the testimony of the child;

514 (I) Subject to the provisions of section 46b-15, as amended by this
515 act, the victim of assault by a spouse or former spouse, family or
516 household member has the right to request the arrest of the offender,
517 request a protective order and apply for a restraining order;

518 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,
519 the victim of sexual assault or domestic violence can expect certain
520 records to remain confidential; and

521 (K) Subject to the provisions of section 53a-32, as amended by this
522 act, receive notification from a probation officer when the officer has
523 provided notice to a police officer that the probation officer has
524 probable cause to believe that the offender has violated a condition of
525 such offender's probation.

526 Sec. 16. Section 54-216 of the 2012 supplement to the general statutes
527 is repealed and the following is substituted in lieu thereof (*Effective*
528 *October 1, 2012*):

529 (a) The Office of Victim Services or, on review, a victim
530 compensation commissioner may order that services be provided for
531 the restitution of any person eligible for such services in accordance
532 with the provisions of sections 54-201 to 54-233, inclusive. Such
533 services may include but shall not be limited to medical, psychiatric,
534 psychological and social services and social rehabilitation services.

535 (b) The Office of Victim Services or, on review, a victim
536 compensation commissioner may order that such restitution services
537 be provided to victims of child abuse and members of their families,
538 victims of sexual assault and members of their families, victims of
539 domestic violence and members of their families, [and] members of the
540 family of any victim of homicide, and children who witness domestic
541 violence, including, but not limited to, children who are not related to
542 the victim. For the purposes of this subsection, "members of their
543 families" or "member of the family" does not include the person
544 responsible for such child abuse, sexual assault, domestic violence or
545 homicide.

546 (c) The Office of Victim Services may contract with any public or
547 private agency for any services ordered under this section.

548 Sec. 17. Subsection (e) of section 46b-38b of the 2012 supplement to
549 the general statutes is repealed and the following is substituted in lieu
550 thereof (*Effective October 1, 2012*):

551 (e) (1) Each law enforcement agency shall develop, in conjunction
552 with the Division of Criminal Justice, and implement specific
553 operational guidelines for arrest policies in family violence incidents.
554 Such guidelines shall include, but not be limited to: (A) Procedures for
555 the conduct of a criminal investigation; (B) procedures for arrest and
556 for victim assistance by peace officers; (C) education as to what

557 constitutes speedy information in a family violence incident; (D)
558 procedures with respect to the provision of services to victims; and (E)
559 such other criteria or guidelines as may be applicable to carry out the
560 purposes of sections 46b-1, 46b-15, as amended by this act, 46b-38a to
561 46b-38f, inclusive, as amended by this act, and 54-1g. Such procedures
562 shall be duly promulgated by such law enforcement agency. On and
563 after October 1, 2012, each law enforcement agency shall develop and
564 implement specific operational guidelines for arrest policies in family
565 violence incidents which, at a minimum, meet the standards set forth
566 in the model law enforcement policy on family violence established in
567 subdivision (2) of this subsection.

568 (2) There is established a model law enforcement policy on family
569 violence for the state. Such policy shall consist of the model policy
570 submitted by the task force established in section 19 of public act 11-
571 152 on January 31, 2012, to the joint standing committee of the General
572 Assembly having cognizance of matters relating to the judiciary,
573 except that on and after October 1, 2012, the model law enforcement
574 policy on family violence, as amended by the Family Violence Model
575 Policy Governing Council established pursuant to section 17 of this act,
576 shall be the model law enforcement policy on family violence for the
577 state.

578 [(2)] (3) On and after July 1, 2010, each law enforcement agency shall
579 designate at least one officer with supervisory duties to expeditiously
580 process, upon request of a victim of family violence or other crime who
581 is applying for U Nonimmigrant Status (A) a certification of
582 helpfulness on Form I-918, Supplement B, or any subsequent
583 corresponding form designated by the United States Department of
584 Homeland Security, confirming that the victim of family violence or
585 other crime has been helpful, is being helpful, or is likely to be helpful
586 in the investigation or prosecution of the criminal activity, and (B) any
587 subsequent certification required by the victim.

588 (4) Not later than July 1, 2013, and annually thereafter, each law

589 enforcement agency shall submit a report to the Commissioner of
590 Emergency Services and Public Protection, in such form as the
591 commissioner prescribes, regarding the law enforcement agency's
592 compliance with the model law enforcement policy on family violence
593 for the state.

594 Sec. 18. (NEW) (*Effective from passage*) (a) There is established a
595 Family Violence Model Policy Governing Council for the purpose of
596 (1) evaluating policies and procedures used by law enforcement
597 agencies when responding to incidents of family violence and
598 violations of restraining orders and protective orders, (2) reviewing
599 and updating the model law enforcement policy on family violence for
600 the state established in section 46b-38b of the general statutes, as
601 amended by this act, and (3) evaluating the accuracy of data collected
602 by the Department of Emergency Services and Public Protection under
603 section 46b-38d of the general statutes and the Court Support Services
604 Division under section 46b-38f of the general statutes.

605 (b) The council shall consist of the following members:

606 (1) One appointed by the speaker of the House of Representatives;

607 (2) One appointed by the president pro tempore of the Senate;

608 (3) One appointed by the minority leader of the House of
609 Representatives;

610 (4) One appointed by the minority leader of the Senate;

611 (5) One appointed by the Governor;

612 (6) One representative of the Police Officer Standards and Training
613 Council with experience in domestic violence training, appointed by
614 the chairperson of the council;

615 (7) One representative of the Office of the Chief State's Attorney,
616 appointed by the Chief State's Attorney;

617 (8) One representative of the office of the Chief Public Defender,
618 appointed by the Chief Public Defender;

619 (9) One representative of the Office of the Victim Advocate,
620 appointed by the Victim Advocate;

621 (10) One representative of the Division of State Police with
622 experience in domestic violence training, appointed by the
623 Commissioner of Emergency Services and Public Protection;

624 (11) One judge of the Superior Court assigned to hear criminal
625 matters, appointed by the Chief Court Administrator;

626 (12) One victim of domestic violence, one victim advocate with in-
627 court experience in domestic violence matters and one representative
628 of the Connecticut Coalition Against Domestic Violence, Inc., each
629 appointed by the executive director of the Connecticut Coalition
630 Against Domestic Violence, Inc.;

631 (13) One representative of the legal aid programs in Connecticut,
632 appointed by the executive director of the Legal Assistance Resource
633 Center of Connecticut; and

634 (14) One representative of the Connecticut Police Chiefs
635 Association, appointed by the president of the association.

636 (c) Any member of the council appointed under subdivision (1), (2),
637 (3) or (4) of subsection (b) of this section may be a member of the
638 General Assembly.

639 (d) All members of said council shall be appointed on or before July
640 1, 2012, and quadrennially thereafter, to serve for a term of four years.
641 Any member may be reappointed, and any member may continue to
642 serve until such member's successor is appointed and qualified. Any
643 vacancy shall be filled by the appointing authority.

644 (e) The members of the council shall select two chairpersons of the

645 council from among the members of the council. Said chairpersons
646 shall schedule the first meeting of the council, which shall be held not
647 later than sixty days after the effective date of this section.

648 (f) The administrative staff of the joint standing committee of the
649 General Assembly having cognizance of matters relating to the
650 judiciary shall serve as administrative staff of the council.

651 (g) Not later than January 15, 2013, and annually thereafter, the
652 council shall submit a report in accordance with section 11-4a of the
653 general statutes to the joint standing committee of the General
654 Assembly having cognizance of matters relating to the judiciary
655 regarding the effectiveness of the model law enforcement policy on
656 family violence for the state established in section 46b-38b of the
657 general statutes, as amended by this act.

658 Sec. 19. (*Effective from passage*) (a) The Office of State-Wide
659 Emergency Telecommunications shall conduct a study to determine
660 the cost, feasibility and public safety considerations of redesigning the
661 state-wide emergency 9-1-1 telephone system in a manner that allows
662 individuals to send a text message with or from a mobile telephone or
663 mobile electronic device to the state-wide emergency 9-1-1 telephone
664 system and receive a text message response through such system. In
665 conducting such study, the office shall seek the advice of the E 9-1-1
666 Commission established pursuant to section 28-29a of the general
667 statutes.

668 (b) Not later than January 15, 2013, the Office of State-Wide
669 Emergency Telecommunications shall submit a report containing the
670 findings of the study to the joint standing committees of the General
671 Assembly having cognizance of matters relating to public safety and
672 criminal law, in accordance with the provisions of section 11-4a of the
673 general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	46b-15(a) to (d)
Sec. 2	<i>October 1, 2012</i>	46b-38a
Sec. 3	<i>October 1, 2012</i>	46b-38c(d)
Sec. 4	<i>October 1, 2012</i>	54-1k
Sec. 5	<i>October 1, 2012</i>	54-63b
Sec. 6	<i>October 1, 2012</i>	46b-38c(h)
Sec. 7	<i>October 1, 2012</i>	46b-38h
Sec. 8	<i>October 1, 2012</i>	New section
Sec. 9	<i>October 1, 2012</i>	54-1d
Sec. 10	<i>October 1, 2012</i>	53a-61aa
Sec. 11	<i>October 1, 2012</i>	53a-181c
Sec. 12	<i>October 1, 2012</i>	53a-32
Sec. 13	<i>October 1, 2012</i>	54-142m
Sec. 14	<i>October 1, 2012</i>	51-286e
Sec. 15	<i>October 1, 2012</i>	54-203(b)(7)
Sec. 16	<i>October 1, 2012</i>	54-216
Sec. 17	<i>October 1, 2012</i>	46b-38b(e)
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section

Statement of Purpose:

To implement recommendations of the legislative task force on domestic violence.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]